

Remarks

The present invention is directed to methods of inhibiting MIF activity and methods of treating or diagnosing rheumatoid arthritis. Claims 3-17, 20-22, 24-25 and 30-40 have been cancelled. Claims 1-2, 18-19, 23, 26-29 and 41-43 are currently pending.

Amendment

Applicants provide an amendment to Claim 19 to remove the term "diagnostic". Applicants respectfully request entry of this amendment and withdrawal of this rejection because this amendment reduces the issues and/or presents the rejected claims in better form for consideration on appeal pursuant to 37 CFR 41.33.

Obviousness-type Double Patenting

Claims 1-23 and 26-30 are rejected for obviousness-type double patenting over claims 1-27 of U.S. Patent Application 12/158,563. Applicants request reconsideration of this rejection since U.S. Patent Application 12/158,563 has not yet been patented and therefore no double patenting currently exists. Applicants refer to the following excerpt from the Manual of Patent Examining Procedure 804 (MPEP 804).

1. Nonstatutory Double Patenting Rejections

If a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer. If the ODP rejection is the only rejection remaining in the later-filed application, while the earlier-filed application is rejectable on other grounds, a terminal disclaimer must be required in the later-filed application before the rejection can be withdrawn.

REQUEST FOR RECONSIDERATION OF ADVISORY ACTION AND 1,312 AMENDMENT
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In view of this information, Applications respectfully request reconsideration and withdrawal of this rejection by the Examiner.

Conclusions

Applicants submit that this Request for Reconsideration and Amendment address the any outstanding rejections, and place the present application in condition for allowance, or presents the claims in better form for consideration on appeal. As such, Applicants respectfully request entry of this amendment.

If the Examiner believes there are other issues that may be resolved by telephone interview, or that there are any informalities remaining in the application that may be corrected by Examiner's Amendment, a telephone call to the undersigned is respectfully solicited.

No additional fees are believed due, however the Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment of fees to Deposit Account number 11-0980.

Respectfully submitted,

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